

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 603

Call to Order: By **CHAIRMAN DUANE GRIMES**, on April 12, 2001 at 1:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Sen. Duane Grimes, Chairman (R)
Sen. Jerry O'Neil (R)
Sen. Emily Stonington (D)
Rep. Jim Shockley, Vice Chairman (R)
Rep. Paul Clark (D)
Rep. Linda Holden (R)

Members Excused: None.

Members Absent: None.

Staff Present: None.

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:

Executive Action: **HB 603**

Senator Grimes said the Senate decided to strike all of paragraph 3, then the House opposed that decision. The main part the Senate objected to is the "shall consult with the Attorney General" on Page 1, line 30. The reason for concern is, the word "consult" could mean different things to different people. When the Department of Revenue has a meeting with their attorneys to decide what to do on a tax case regarding tax policy, the Senate did not think it was necessary, just a bit bureaucratic, to have to decide if a representative from the Attorney General's office should be in the room.

Rep. Shockley said he was carrying this Bill for the Attorney General and the Governor. Maybe the word "consult" is not as

precise as it should be but it also does not obligate anyone. If there was no requirement to "consult" they might do it anyway. If the Senate wants to leave the Bill this way he would not object.

Senator Grimes said this hasn't been a problem for several years and the one issue this was in response to was the Corrections' decision that was not noticed to the Attorney General's office. However, if the Attorney General does feel better having a Bill, since there was only one issue that brought it forward, he thinks it would behoove them to not go too far with language that is not clear. The Senate thought it better with just subsection (1) and subsection (2) and strike subsection (3). He asked if the House would have any trouble concurring in their amendments if he would admit they would be willing to put a "hammer" in if they didn't consult in the future? **Rep. Shockley** said the House would go along with what the Conference Committee does and he would support that. The Attorney General stressed they need (1) and (2). The Attorney General and the Chief of Staff, **Ed Bartlett**, intend to work on this issue during the interim because it is a big issue.

Rep. Clark said he was fine with the Senate amendment.

Senator Grimes said we could request, if they are going to work on this in the interim, the Attorney General or the Governor's office just set an appointment for the Judiciary Committee to brief them on any issue they may have uncovered that would further necessitate legislation.

Motion/Vote: **Senator O'Neil** moved to accept the Senate amendments. Motion carried unanimously 6-0.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 10.2}

ADJOURNMENT

Adjournment: 1:12 P.M.

Senator Duane Grimes, Chairman

Mary Lou Schmitz, Secretary

DG/mls/

EXHIBIT (cch83hb0603aad)